REMARKS

New claims 26-57 have been added and claims 1-25 cancelled. No new matter is introduced by the amendments of these claims. New claims 26-53 are supported by Figures 2, 5A-5C, and 6A-6C and their accompanying text, among other places, while new claims 54-57 are supported by Figure 3 and its accompanying text, among other places. Accordingly, claims 26-57 remain pending.

The Examiner has rejected claim 1-25 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,182,139 to Brendal in view of U.S. Patent No. 6,247,054 to Malkin and further in view of pending application 09/128,896 to Koehler et al. The Examiner's rejections are respectfully traversed (with respect to new claims 26-57) as follows.

Claim 26 is directed towards a method "implemented within a client side device for facilitating redirection of traffic between a server and a client to between the client and a selected one from a plurality of replicas." Claim 26 further requires "at a client side device associated with the client, receiving a start packet from a client associated with the client side device, the start packet having a destination identifier associated with a server" and "at the client side device adding a tag to the start packet to indicate that the start packet should be later forwarded by a device other than a client side device to any replica that duplicates the data content of the server." Claim 26 also recites "at the client side device storing the destination address of the start packet and associating the destination address with the start packet's connection" and "after tagging the start packet, forwarding the start packet towards the server." In other words, a *client side device* tags outgoing start packets to indicate that *another* device which is *not* a client side device is to forward the start packet to replicas. Independent claims 35, 44, and 53 have a similar limitation regarding the tagging.

On the server side, claim 54 is directed towards a method "implemented within a server side device of facilitating redirection of traffic between a client and a server or a plurality of replicas of the server." Claim 54 also requires "at a server side device receiving a packet that is traveling between a client and a server or between the client and a replica, the server and the replica being associated with the server side device." Claim 54 also requires "at the server side device when the received packet is a start packet being sent from the client to the server and the start packet is tagged by a device other than a server side device and the server's data content is replicable, encapsulating the start packet and forwarding the encapsulated start packet to any replica that duplicates the data content of the server" and "forwarding the received packet to its specified destination." Independent claims 55-57 recite similar limitations regarding handling of such tagged packets."

In embodiments of the present invention, the task for tagging a start packet to indicate that it should be forwarded to a replica is relegated to a client side device, while the replica forwarding task is relegated to a device other than a client side device, such as a server gateway. A non client side device such as a server gateway will have more knowledge regarding replica configurations for a particular server, as compared with a client side device. Also, a client may utilize any server and their replicas, even if they are not on the client side. In sum, this arrangement allows start packets to be handled more efficiently and diversely than a client side which routes to associated client side replica servers.

In contrast, the primary reference Brendal discloses that a client-side dispatcher forwards a start packet to multiple servers (Figure 8, and Col. 11). Figure 3 clearly shows that the client side dispatcher 20 is located in the client 10. The secondary references also fail to teach or suggest such limitations. Since the cited references fail to teach or suggest that the start packet is tagged to indicate that a device other than a client side device is to forward the start packet to replicas, as well as handling of such tagged start packets at a server side device, in the manner claimed, it is respectfully submitted that claims 26, 35, 44, and 53-57 are patentable over the cited references.

The Examiner's rejections of the dependent claims are also respectfully traversed. However, to expedite prosecution, all of these claims will not be argued separately. Claims 27-34, 36-43, and 45-52 each depend directly from independent claims 1, 35, or 44 and, therefore, are respectfully submitted to be patentable over cited art for at least the reasons set forth above with respect to claims 1, 35, and 44. Further, the dependent claims require additional elements that when considered in context of the claimed inventions further patentably distinguish the invention from the cited art.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
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